

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **11**

Application Number	10/622,543
Filing Date	07/21/2003
First Named Inventor	DICKIE, Robert G.
Art Unit	2875
Examiner Name	NEGRON, Ismael

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JAN 10 2005

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Keyser Mason Ball, LLP		
Signature			
Printed name	Donald E. Hewson		
Date	JANUARY 10, 2005	Reg. No.	22,241

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		Date	
Typed or printed name	Desi Goncalves		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No: 10/622543
Letter dated January 10, 2005

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IN THE UNITED STATES PATENT AND TRADE-MARK OFFICE

JAN 10 2005

Inventor(s): **Dickie, Robert G.**
Title: **Night Light Having Directionally Adjustable Light Output.**
Application No: **10/622543**
Filing Date: **07/21/2003**
Art Unit: **2875**
Examiner: **Negron, Ismael**
Attorney Docket No.: **13503-05**

Via facsimile no.: 1-703-872-9306

January 10, 2005

The Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

LETTER

Sir: Applicant submits herewith an Information Disclosure Statement Form PTO/SB/08A identifying all of the prior art that has been cited in cognate PCT application PCT/CA2004/001060. That art has been cited in an International Search Report which was mailed from the European Patent Office on December 22, 2004. A copy of the entire International Search Report, as received January 5, 2005, is submitted herewith.

No representation is made herein as to whether or not Applicant agrees with the categorization of each of the cited prior art references.

JAN-10-05 11:05AM FROM-

T-019 P.03/11 F-176

Application No: 10/622543
Letter dated January 10, 2005

The requirements of 37 C.F.R. 1.97 and 1.98 have been satisfied by this communication.

Respectfully submitted,

Keyser Mason Ball, LLP
Agents for the Applicants



Donald E. Hewson, Registration No. 22,241

Attachments

PTO/SB/08A (08-09)

Approved for use through 07/31/2008 OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449/PTO		Complete if Known													
<p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>															
Sheet	1	of	1												
		<table border="1"> <tr> <td>Application Number</td> <td>10/622,543</td> </tr> <tr> <td>Filing Date</td> <td>07/21/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>DICKIE, Robert G</td> </tr> <tr> <td>Art Unit</td> <td>2875</td> </tr> <tr> <td>Examiner Name</td> <td>NEGRON, Ismael</td> </tr> <tr> <td>Attorney Docket Number</td> <td>13503-05</td> </tr> </table>		Application Number	10/622,543	Filing Date	07/21/2003	First Named Inventor	DICKIE, Robert G	Art Unit	2875	Examiner Name	NEGRON, Ismael	Attorney Docket Number	13503-05
Application Number	10/622,543														
Filing Date	07/21/2003														
First Named Inventor	DICKIE, Robert G														
Art Unit	2875														
Examiner Name	NEGRON, Ismael														
Attorney Docket Number	13503-05														

FOREIGN PATENT DOCUMENTS				
Examiner Initials ¹	Cite No ²	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³ Number ⁴ King Code ⁵ (if known)		
		EP 0 056 104 A	07-21-1982	Stainel GMBH
		GB 1 525 569A	09-20-1978	ThomElectrical
		JP 09 282911A	10-31-1997	Tec Corp
		JP 07 156711A	06-20-1995	Nifco Inc.

Examiner Signature _____ **Date Considered** _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04 ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible ⁶ Applicant is to place a check mark here if English language Translation is attached

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PATENT COOPERATION TREATY

RECEIVED JAN - 5 2005

From the INTERNATIONAL SEARCHING AUTHORITY

To:
KEYSER MASON BALL, LLP
Four Robert Speck Parkway
Suite 1600
Mississauga, ON L4Z 1S1
CANADA

PCTNOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

		Date of mailing (day/month/year) 22/12/2004
Applicant's or agent's file reference 13503-11	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/CA2004/001060	International filing date (day/month/year) 21/07/2004	
Applicant ELUMINA LIGHTING TECHNOLOGIES INC.		

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 18:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no International search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the International application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the International application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/I/B/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicants Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patenttaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 851 epo nl, Fax: (+31-70) 340-3016	Authorized officer Stefanie Hacker	DEADLINE: Feb 22/05
	Logged into: yes	
	Received print: yes	

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the International phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 18 months from the priority date, whichever time limit expired later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/ is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

BEST AVAILABLE COPY

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 28, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 13503-11	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/CA2004/001060	International filing date (day/month/year) 21/07/2004	(Earliest) Priority Date (day/month/year) 21/07/2003
Applicant ELUMINA LIGHTING TECHNOLOGIES INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. Certain claims were found unsearchable (See Box II).

3. Unity of invention is lacking (see Box III).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure or the drawings to be published with the abstract is Figure No. 4.

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No PCT/CA2004/001060

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 F21S8/00		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols) IPC 7 F21S		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, PAJ		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	EP 0 056 104 A (STEINEL GMBH & CO KG) 21 July 1982 (1982-07-21) the whole document	1-3,6-9
Y		10-16
X	US 3 706 004 A (SCHWARTZ FREDERIC W) 12 December 1972 (1972-12-12) the whole document	1-9
Y		10-16
X	US 6 390 647 B1 (SHAEFER LOUISA) 21 May 2002 (2002-05-21) column 2, line 46 - column 5, line 10; figures 1-4,5c	1-3,6-9
X	US 2003/076680 A1 (STEKELENBURG ALBERT) 24 April 2003 (2003-04-24) the whole document	1-3
		-/-
<input checked="" type="checkbox"/> Further documents are listed in the continuation at box C.		<input checked="" type="checkbox"/> Parent family members are listed in annex.
<p>* Special categories of cited documents :</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other prior art reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"8" document member of the same patent family</p>		
Date of the actual completion of the international search	Date of mailing of the international search report	
13 December 2004	22/12/2004	
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentjaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Berthommé, E	

INTERNATIONAL SEARCH REPORT

International Application No PCT/CA2004/001060

C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation or document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	US 6 576 852 B1 (SHU KUO-FEN) 10 June 2003 (2003-06-10) the whole document	1,2
Y	US 2003/086266 A1 (LEEN MONTE A) 8 May 2003 (2003-05-08) the whole document	12-16
X	US 3 203 126 A (ELIOT SOL S) 31 August 1965 (1965-08-31) abstract; figures	12
Y	GB 1 525 569 A (THORN ELECTRICAL IND LTD) 20 September 1978 (1978-09-20) the whole document	10,11,16
Y	JP 09 282911 A (TEC CORP) 31 October 1997 (1997-10-31) abstract	12-15
Y	JP 07 156711 A (NIFCO INC) 20 June 1995 (1995-06-20) abstract	12-15
A	US 2002/141177 A1 (STEKELENBURG ALBERT) 3 October 2002 (2002-10-03) the whole document	1,12
A	US 4 344 116 A (MARTIN ROBERT L) 10 August 1982 (1982-08-10) abstract; figures	12

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA2004/001060

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
EP 0056104	A	21-07-1982	DE AU EP JP	3100920 A1 7917782 A 0056104 A1 57138683 A		05-08-1982 22-07-1982 21-07-1982 27-08-1982
US 3706004	A	12-12-1972		NONE		
US 6390647	B1	21-05-2002		NONE		
US 2003076680	A1	24-04-2003		NONE		
US 6576852	B1	10-06-2003		NONE		
US 2003086266	A1	08-05-2003		NONE		
US 3203126	A	31-08-1965		NONE		
GB 1525569	A	20-09-1978	DE	7534437 U		19-02-1976
JP 9282911	A	31-10-1997		NONE		
JP 7156711	A	20-06-1995		NONE		
US 2002141177	A1	03-10-2002		NONE		
US 4344116	A	10-08-1982		NONE		

Form PCT/ISA/210 (patent family annex) (January 2004)